

To Whom It May Concern:

There has been a lot of talk lately regarding Minority Ownership in conjunction with the Sirius Satellite Radio and XM Radio (“The Companies”) merger. Not surprisingly, the large majority of this discussion is coming from African American Congressmen and businessmen.

My question to you is “Why?” The Companies currently have one of, if not the most, diverse programming lineups available to be heard on one service (if the merger is approved). It would be difficult to find anything comparable, even if you include cable and/or satellite TV. All you have to do is pick what you want to listen to, and you have it.<sup>12</sup>

#### **African American Programming**

Sirius Channel 106 – The Foxxhole – Comedy and more presented by Jamie Foxx

Sirius Channel 43 – Backspin – Old Skool Rap

Sirius Channel 71 – Jazz Café – Smooth Jazz

Sirius Channel 72 – Pure Jazz – Classic Jazz

Sirius Channel 73 – Spa 73 – New Age Jazz

Sirius Channel 74 – SIRIUS Blues – Jazz/Blues

XM Channel 70 – Real Jazz – Traditional Jazz

XM Channel 71 – Watercolors – Contemporary/Smooth Jazz

XM Channel 72 – Beyond Jazz – Modern Jazz

XM Channel 73 – High Standards – American Standards

XM Channel 74 – Bluesville – Blues

XM Channel 101 – The Joint – Reggae

XM Channel 169 – The Power – African American Talk

#### **Hispanic/Latino Programming**

Sirius Channel 90 – Universo Latino – Latin Pop Mix

Sirius Channel 92 – Bumbon – Reggaeton/Tropical

Sirius Channel 181 – ESPN Deportes – Spanish broadcast of ESPN

Sirius Channel 182 – CNN En Espanol – CNN in Spanish

XM Channel 91 – Viva – Latin Pop Hits

XM Channel 92 – Aquila – Regional Mexican

XM Channel 93 – Caricia – Spanish Oldies

XM Channel 94 – Caliente – Tropical

XM Channel 102 – Sur La Route – Spanish Pop Hits

XM Channel 126 – CNN en Espanol – CNN in Spanish

XM Channel 147 – XM Deportivo – Spanish Sports Talk

#### **Other Nationality Programming**

Sirius Channel 11 – BBC Radio 1 – New Music from the U.K.

Sirius Channel 93 – Bande a part – New French-language Music

Sirius Channel 94 – CBC Radio 3 – Canadian Indie Music

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<sup>1</sup> Sirius Satellite Radio Channel Guide: <http://www.sirius.com/channelguide>

<sup>2</sup> XM Satellite Radio Channel Guide: <http://www.xmradio.com/onxm/full-channel-listing.xmc>

Sirius Channel 95 – Iceberg Radio – Canadian Adult Alternative Music  
Sirius Channel 138 – Premiere Plus – Canadian Current Affairs  
Sirius Channel 183 – The Korean Channel – Korean Language Radio  
Sirius Channel 185 – Canadian Weather Network – Canadian Weather  
Sirius Channel 187 – Sports Extra – Sports radio French Language  
Sirius Channel 188 – RCI Plus – International Talk French Language  
XM Channel 131 – BBC World Service  
XM Channel 159 – ATN – Asian Radio  
XM Channel 244 – Canada 360 – News and Information  
XM Channel 245 – Quoi de Neuf – News and Information

### **Religious Programming**

Sirius Channel 66 – The Spirit – Christian music  
Sirius Channel 67 – Praise – Gospel Music  
Sirius Channel 159 – The Catholic Channel  
Sirius Channel 160 – EWTN Global Catholic Network  
Sirius Channel 161 – FamilyNet Radio – Christian Talk  
XM Channel 32 – The Message – Christian Pop and Rock  
XM Channel 33 – Spirit – Gospel  
XM Channel 34 – enlighten – Southern Gospel  
XM Channel 170 – Family Talk – Christian Talk

### **Political Programming**

Sirius Channel 144 – SIRIUS Patriot – Conservative values  
Sirius Channel 146 – SIRIUS Left – Liberal talk  
XM Channel 130 – POTUS '08 – Unbiased Presidential Campaign  
Coverage  
XM Channel 166 – America Right – Conservative Talk  
XM Channel 167 – Progressive Talk

In addition to regularly scheduled programming, The Companies both have regular specials dedicated to diversity. Simply looking at recent press releases will show you this.

### **Sirius & XM Press Releases**

SIRIUS Satellite Radio Signs Mark Thompson, Trailblazing African-American Political

Talk Host and Human Rights Leader to host a daily 3-hour show.<sup>3</sup>

SIRIUS Satellite Radio To Honor Black Music Month With Dedicated Programming<sup>4</sup>

SIRIUS Satellite Radio To broadcast Iowa Brown and Black Presidential Forum Live<sup>5</sup>

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<sup>3</sup> Sirius Satellite Radio Press Release:

<http://investor.sirius.com/ReleaseDetail.cfm?ReleaseID=268006&cat=&newsroom>

<sup>4</sup> Sirius Satellite Radio Press Release:

<http://investor.sirius.com/ReleaseDetail.cfm?ReleaseID=247992&cat=&newsroom>

<sup>5</sup> Sirius Satellite Radio Press Release:

<http://investor.sirius.com/ReleaseDetail.cfm?ReleaseID=278953&cat=&newsroom>

SIRIUS Satellite Radio To Observe martin Luther King, Jr. Day with Special talk and

Music Programming<sup>6</sup>

SIRIUS Satellite Radio Celebrates Black History Month<sup>7</sup>

Talk Radio Star Joe Madison “The Black Eagle” Joins XM Satellite Radio<sup>8</sup>

XM’s ‘The Power,’ The Only National African-American Talk Radio Channel, Expands

Lineup With New Shows<sup>9</sup>

39<sup>th</sup> Annual Dove Awards To Broadcast Live On XM April 23<sup>10</sup>

XM Satellite Radio’s Presidential Election Channel ‘POTUS ‘08’ To Broadcast Nationwide From Philadelphia’s Landmark Restaurant Pat’s King Of Steaks on Pennsylvania Primary Day April 22<sup>11</sup>

XM Radio Joins With EWTN Global Catholic Network to Launch ‘Papal U.S. Visit ‘08’

Channel On XM<sup>12</sup>

XM Celebrates Black History Month With Original Programming and Specials Featuring

Gamble & Huff, Aaron Neville, Natalie Cole, and Many Others<sup>13</sup>

Above, I have listed 51 separate channels that The Companies have dedicated to broadcasting diverse content which include music, news, sports, and talk. This is 51 channels out of a combined 300, which represents nearly 20% of their available spectrum. In addition to that, I have pointed out 11 separate press releases that have been released since the beginning of 2008 that signify the diversity of programming that The Companies have sought. Recently, however, there are several people and groups that apparently feel that this is not sufficient.

On May 5<sup>th</sup>, news was released that two prominent Congressmen wrote a letter to FCC Commissioner Kevin Martin praising The Companies for pledging to lease eight channels to minority owners. These two

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<sup>6</sup> Sirius Satellite Radio Press Release:

<http://investor.sirius.com/ReleaseDetail.cfm?ReleaseID=287801&cat=&newsroom>

<sup>7</sup> Sirius Satellite Radio Press Release:

<http://investor.sirius.com/ReleaseDetail.cfm?ReleaseID=291179&cat=&newsroom>

<sup>8</sup> XM Satellite Radio Press Release:

[http://xmradio.mediaroom.com/index.php?s=press\\_releases&item=1609](http://xmradio.mediaroom.com/index.php?s=press_releases&item=1609)

<sup>9</sup> XM Satellite Radio Press Release:

[http://xmradio.mediaroom.com/index.php?s=press\\_releases&item=1600](http://xmradio.mediaroom.com/index.php?s=press_releases&item=1600)

<sup>10</sup> XM Satellite Radio Press Release:

[http://xmradio.mediaroom.com/index.php?s=press\\_releases&item=1599](http://xmradio.mediaroom.com/index.php?s=press_releases&item=1599)

<sup>11</sup> XM Satellite Radio Press Release:

[http://xmradio.mediaroom.com/index.php?s=press\\_releases&item=1598](http://xmradio.mediaroom.com/index.php?s=press_releases&item=1598)

<sup>12</sup> XM Satellite Radio Press Release:

[http://xmradio.mediaroom.com/index.php?s=press\\_releases&item=1597](http://xmradio.mediaroom.com/index.php?s=press_releases&item=1597)

<sup>13</sup> XM Satellite Radio Press Release:

[http://xmradio.mediaroom.com/index.php?s=press\\_releases&item=1559](http://xmradio.mediaroom.com/index.php?s=press_releases&item=1559)

Congressmen were identified as Congressman Towns (D-NY) and Congressman Rush (D-IL). Today, however, Congressman Rush retracted part of that statement, stating<sup>14</sup>:

*“I wish to disassociate myself from a letter to [Martin], dated May 5, 2008 and signed by Congressman Towns and me, which I stated that I fully supported ‘XM’s and Sirius’ voluntary commitments, [that] the combined company will agree to provide under long-term leases eight channels on the combined system (four on each system) to minority owners. While I certainly believe it’s important to dedicate channels for minority ownership, I do not believe a mere eight channels out of 300 total in the combined entity represents an ‘important and realistic effort to address the dearth of minority ownership’. In reality, I firmly believe that XM and Sirius can designate far more channels than eight for minority ownership.”*

I am curious if Congressman Rush has ever listened to satellite radio and knows what all it offers. It would appear as if he had, because he goes on to say:

*“the merger will create new opportunities for diverse programming that has been overlooked by terrestrial-radio broadcasters.”*

Congressman Rush is absolutely correct. The merger will create new opportunities for diversity. In fact, a large number of independent groups have come out in favor of this merger because The Companies have promoted diversity. Which groups?<sup>15</sup>

- NAACP
- Second District of the African Methodist Episcopal Church
- Hispanic Federation
- Independent Women’s Forum
- Latinos in Information Sciences and Technology Association (LISTA)
- League of United Latin American Citizens (LULAC)
- National Council of Woman’s Organizations
- National Latino Farmers and Ranchers
- New York State Federation of Hispanic Chamber of Commerce
- National Black Chamber of Commerce
- The Latino Coalition
- Women Impacting Public Policy
- Women Involved in Farm Economics
- Many, Many more

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<sup>14</sup> Radioink.com article quoting the letter of Congressman Rush:

<http://www.radioink.com/HeadlineEntry.asp?hid=142058&pt=todaysnews>

<sup>15</sup> XM Satellite Radio Press Release:

[http://xmradio.mediaroom.com/index.php?s=press\\_releases&item=1589](http://xmradio.mediaroom.com/index.php?s=press_releases&item=1589)

My question, however, does Congressman Rush care about the CONTENT of the channels, or simply the OWNERS of the channels? According to the article, he points out that “people of color” make up 35% of the American Population and says, “I see no reason why a combined XM-Sirius satellite radio company should not dedicate a number of channels for **minority ownership** that is more reflective of the general population. [emphasis added]. Perhaps Congressman Rush is not aware, but the current President and Interim CEO of XM Satellite Radio is Nate Davis, an African-American.<sup>16</sup>

So, which is it? Are we supposed to care more about the content that is being broadcast or the people who own the station? To me, I could care less who owns the station. To me, it matters what is being said and what is being played. As indicated above, some of the most powerful and popular minority interest organizations have supported the merger based on what is being **broadcast**.

Do you know what the greatest thing is though, Congressman Rush? If you are more concerned about minority ownership in Satellite Radio than what is being broadcast, it is a publicly traded company and you can always buy shares. Congratulations, you are now a minority owner of a Satellite Radio Company.

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<sup>16</sup> XM Satellite Radio Profile of Nate Davis:  
[http://xmradio.mediaroom.com/index.php?s=press\\_kit&item=46](http://xmradio.mediaroom.com/index.php?s=press_kit&item=46)